

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
December 5, 2010

Closed Session: yes

Call to Order: Meeting was called to order at: 9:07 a.m.

Opening Ceremony: Moment of Silence

Physical Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Bardwell, Councilor Aaron Otto, Councilor Melvin L. Kiogima, Councilor Rita Shananaquet.

Absent: Councilor Marvin Mulholland, Councilor Gerald V. Chingwa.

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount.

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, Planning Director Bryan Gillett, Geographical Information System Director Alan Proctor, Office of Enterprise Management Director Chuck Schoefield.

Guests: Richard Wemigwase, Don Lasley, Tootsie Keshick.

Invited Guests: McKenna & Associates: Jim Breuckman, Courtney Piotrowski, Sarah Traxler.

9:11 a.m. Councilor Chingwa arrived.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to approve the agenda for December 5, 2010 with additions.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to approve the minutes of November 21, 2010 with corrections.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to ratify into the Record the Phone Poll Dated November 29, 2010 – Motion to Approve Tribal Resolution "Authorizing Exchange of Notes, Amendment of Indenture and Related Actions" as attached to meet an Immediate Deadline. The Phone Poll passed 7-yes, 0-no, 1-Abstained (Treasurer Bott), 1-Absent (Councilor Mulholland)

Motion carried.

Elder Comment: Richard Wemigwase spoke on behalf of the Elder's Association concern regarding the Executive plan to combine the Elder's Program with the Human Services Department.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Legislative Leader J. Shananaquet's verbal and written report for December 5, 2010 with confidential information contained therein.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Elder Comment: Marie "Tootsie" Keshick spoke regarding her resignation from the Elder's Program and thanked Tribal Council for their support.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Secretary Gasco Bentley's report for December 05, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Treasurer Bott's verbal and written Appropriations and Finance Committee report for December 5, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to approve the Election Board Budget 1103-0-38 supplemental funding request for FY 2010 for \$5,000.00 to come from prior period funds.

Vote: 7 - Yes, 1 – No (Councilor R. Shananaquet), 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to request the Legislative Leader J. Shananaquet to request from the Executive their current policy on donations/sponsorships for Tribal Council review.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept the verbal report of Land and Reservation Committee Chairperson Kiogima for December 5, 2010.

Motion withdrawn.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept the verbal report of Legal and Legislative Committee Chairperson Chingwa for December 5, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

10:30 a.m. Recess called.

10:41 a.m. Meeting reconvened.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to accept the Constitutionally Mandated Rules of Conduct for Officials of Tribal Government Ethics Committee report regarding the Rose Smalley determination letter.

Vote: 6 - Yes, 0 - No, 0 - Abstained,) 3 – Absent (Councilor Mulholland, Councilor Kiogima, Secretary Gasco Bentley)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to accept Councilor R. Shananaquet's verbal report supporting insurance for Biindigen employees.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept Councilor Chingwa's verbal report regarding the snowmobile trail.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept the Legislative Services Attorney Budnick's verbal and written report for December 5, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

11:42 a.m. Public Comment open: Michele LaCount spoke supporting insurance for Biindigen employees through the budget formulation/supplemental appropriation process utilizing sales tax revenue generated by Biindigen toward the same.

11:50 a.m. Public closed.

11:56 a.m. Lunch recess called.

1:36 p.m. Meeting reconvened.

McKenna & Associates Presentation.

3:00 p.m. Public Comment opened: Denise Petoskey thanked Tribal Council for all of their work on the bonds and suggested an initiative of the Tribal Citizens if the Tribe ever considers the use of bonds again before entering into a large sum of debt.

3:02 p.m. Pubic Comment closed.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to accept Tribal Citizen Elaine Allen's request for relinquishment, and disenrolled Tribal Citizen Elaine Allen for dual enrollment with Little River Band.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

3:18 p.m. Recess called.

3:28 p.m. Meeting reconvened.

Motion made by Councilor Bardwell and supported by Secretary Gasco Bentley to accept the Land and Reservation Committee Chairperson Kiogima's verbal report for December 5, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

3:56 p.m. Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to go into close session for legal.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

4:21 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Otto to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Treasurer Bott to acknowledge the receipt of Tribal Chairman Harrington's verbal and written report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to approve Certified Motion Request for Funding from Fiskar Brand, Inc., 2010 Project Orange Thumb Little Traverse Bay Bands of Odawa Indians Orange Thumb Garden Project.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to approve the Konami Contract as presented, by the Executive.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to pass the Probate for Small Estates Statute.

Roll call vote: Belinda Bardwell–yes, Gerald V. Chingwa–yes, Melvin L. Kiogima–yes, Marvin Mulholland–absent, Rita Shananaquet–yes, Aaron Otto–yes, John Bott–yes, Regina Bentley–yes, Julie Shananaquet–yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to table the Gaming Delegation and Authority Draft Statute.

Vote: 6 - Yes, 1 – No (Rita Shananaquet), 1 – Abstained (Treasurer Bott), – 1 Absent (Marvin Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to post to the Legislative Calendar the Political Solicitation Prohibition Draft Statute.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to post to the Legislative Calendar the Reemployment Rights and Discrimination Rights of Elected or Appointed Officials Draft Statute.

Vote: 7 - Yes, 1 – No (Rita Shananaquet), 0 - Abstained, 1 – Absent (Marvin Mulholland)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Bardwell to post to the Legislative Calendar the Medical Marijuana Patient Protection Draft Statute.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to adopt Tribal Resolution: Establishment and Authorizing the Legal/Executive Team.

Roll call vote: Belinda Bardwell-yes, Gerald V. Chingwa-yes, Melvin L. Kiogima-yes, Marvin Mulholland-absent, Rita Shananaquet-absent, Aaron Otto-yes, John Bott-yes, Regina Bentley-yes, Julie Shananaquet-yes

Motion carried.

4:54 p.m. Motion made by Treasurer Bott and supported by Councilor Chingwa to adjourn.

Vote: 6 - Yes, 1 – No (Aaron Otto), 0 - Abstained, 2 – Absent (Councilor Mulholland, Legislative Leader J. Shananaquet)

Motion carried.

These Minutes have been read and approved as corre

Regina Gasco Bentley, Tribal Council Secretary

12-19-10
Date